

**WILLIAMSBURG PLANNING COMMISSION
MINUTES
Wednesday, January 19, 2005**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, January 19, 2005, at 3:30 p.m. in the Council Chambers at the Stryker Building.

CALL TO ORDER and ATTENDANCE

First Vice Chairman Pons called the annual organizational meeting to order. Present in addition to Mr. Pons were Commissioners Hertzler, Friend, and McBeth. Commission Chairman Young and Commission member Rose arrived late. Commissioner Smith was absent. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy and Secretary Scott.

Due to the snow, Commission members postponed the election of officers for 2005 until later in the meeting.

MINUTES

Mr. Hertzler moved that the minutes of the December 13 work session and the December 15 regular meeting be approved as submitted. Mrs. McBeth seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons
No:	None
Absent:	Smith, Young, Rose

CONSENT AGENDA

There were no items on the consent agenda this month.

PUBLIC HEARINGS

CIP: Five-Year Capital Improvement Program (FY06 to FY10). Citizens were requested to present items for inclusion in the Capital Improvement Program.

Mr. Nester presented a summary of proposed Capital Improvement Projects FY06 to FY10 and noted that a work session on the CIP should be scheduled.

Vice Chairman Pons opened the public hearing.

There being no comment the public hearing was closed.

It was announced that there will be a Planning Commission work session tomorrow, Thursday, January 20 to discuss residential issues in the Comprehensive Plan.

PCR #05-001: Revision of Chapter 21, Zoning, of the Williamsburg City Code, by revising Sec. 21-77, pertaining to Conditional Zoning. It is proposed to modify the provisions for proffered conditions as allowed by Sec. 15.2-2298 of the Code of Virginia. The Commission recommended approval by a vote of 4-0.

Mr. Nester reviewed the memorandum dated January 12, 2005 in which it is noted that the proposed changes would allow the City more flexibility to accept proffers of cash or real property that are related to a rezoning. This added flexibility is important for the City, particularly in light of the upcoming development of the Riverside property on the east side of Quarterpath Road.

There being no question from the Commission the public hearing was opened.

There being no comment the public hearing was closed.

Mrs. McBeth moved that Planning Commission recommend to City Council that Sec. 21-77 of the Zoning Ordinance, revising the provisions allowing acceptance of proffers, be amended. Mr. Friend seconded the motion which carried by roll call vote of 4-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons
No:	None
Absent:	Smith, Young, Rose

OPEN FORUM

Vice Chairman Pons opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

SITE PLANS AND SUBDIVISIONS

PCR #05-005: Condor Properties at Williamsburg, L.L.C. – Minor change to approved development plan by revising the following side or rear yard setbacks for 105 Shaindel Drive (lot 32), 116 Shaindel Drive (lot 63), and 104 Shaindel Drive (lot 66). The property is

zoned PDR Planned Development Residential. The Commission approved the change for lots 63 and 66 and tabled the decision for lot 32 by a vote of 5-0-1.

Mr. Nester reviewed the memorandum dated January 13, 2005 which states that the three lots being considered for modification were designed for units that had a cantilevered portion added to the rear (or side for lot 32), which violated the yard setback requirement. Because the foundation surveys met the Zoning Ordinance setback requirements, the 1.1 foot encroachments were only discovered after construction was well underway.

[Commissioner Rose arrived.]

Mr. Nester noted that at this time, storm drainage issues are not resolved for lot 32 and suggested that the requested side yard requirement reduction be considered once they are resolved, probably at the February 16 Planning Commission meeting. He concluded his comments by noting the letter received by the Commission from several members of the Brandywyne community, Robert & Nanci Bond, Don & Linda Sheppard, Jerry Andrews, and Ron & Otilia Hoidal. The letter addresses the need for thoughtful review of plans prior to construction versus approval sought after the work is in place.

Comments from the Commission included:

- Planning staff requests full Commission review of this request for revision of setbacks although the changes requested for lots 63 and 66 are minor ones and such changes, being zoned PDR, authorizes administrative approval of minor changes.
- Setbacks in a PDR district (Planned Development Residential) are part of the overall site plan when it is submitted to the Planning Department.
- Because yards in Brandywyne are in five foot increments, the requested reduction in setback requirements are also in five foot increments.

Vice Chairman Pons opened the public hearing.

Ron Hoidal stated that he owns lot 34 which borders lot 32, the lot that was flipped to allow the driveway to be on the opposite side of the lot. Because of this flip, part of the garage is now sitting over the drainage swell and the drainage plan must be reworked. Mr. Nester responded that staff recommendation includes a recommendation to postpone consideration of this portion of the request to the February 16 Planning Commission meeting after the storm drainage issue has been resolved.

Sara Moritz, lot 33, 201 Shaindel Drive, said flipping the house plan has affected the site plan and she would be very pleased if the request for lot 32 is postponed.

[Mr. Young arrived.]

Mr. Hertzler moved that Planning Commission approve a minor change reducing the rear yard from 25 feet to 20 feet for lots 63 and 66 and that the request for lot 32 be considered at the February 16 Planning Commission meeting after the storm drainage issue has been resolved.

Mr. Rose seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Rose
No:	None
Abstain:	Young
Absent:	Smith

OLD BUSINESS -- none

NEW BUSINESS

Presentation by representatives of Riverside Healthcare Association, Inc. on the rezoning requests scheduled for public hearings at the February 16 meeting (PCR #05-002, 003 and 004).

Mr. Nester introduced representatives of Riverside Healthcare Association, Inc. and stated that the purpose of the presentation today is to solicit comments or questions between now and the February 16 public hearing. He noted that after the Planning Commission public hearing February 16, the proposal will be presented to the City Council at their March 10 meeting and will be scheduled for City Council public hearing at their April 14 meeting. Present to share the process behind the planning for the project, and to respond to questions or comments, were Paul Gerhardt with Kaufman and Canoles as well as representatives from Economics Research Associates, DRW Consultants, Trammel Crow, Timmons Group, Williamsburg Environmental Group and Sasaki Associates.

Alvin Anderson, attorney representing Riverside Healthcare Association, Inc., introduced Mark Dawson with Sasaki Associates who gave a presentation noting Sasaki has recently celebrated its 53rd anniversary. They are currently working on plans for the 2008 Beijing Olympics as well as being instrumental in the planning of the new campus for the Mayo Clinic in Phoenix, Arizona. Mr. Dawson noted Sasaki involvement in several other projects including Kingsmill on the James. He stated the critically positioned site for the Riverside project is of strategic importance to realize the vision of the Comprehensive Plan. Goals for the project include:

- respond to the market and opportunities therein,
- ensure the high quality of the project, and
- ensure the land use is consistent with the City of Williamsburg and Colonial Williamsburg Foundation's comprehensive plans.

Mr. Dawson spoke of the mixed-use setting, the synergy of uses, and the enlivenment and enrichment of the area. He noted that although the site is riddled with ravines, this is seen as a tremendous asset, not a constraint. The planned Quarterpath Road walk will be an historic link to the James River providing charm and historic value. They plan to be sensitive to the environment and preserve the elements as much as possible and make traffic work around the project. He added there will be a view of Tutter's Pond, and the planned 15 acre Redoubt Park will be an asset to the City. It was noted that the project responds to a strong demand for higher density housing and takes advantage of the value of the property.

Alvin Anderson concluded the presentation by highlighting proffers and noted that tax exempt status does not apply to this project. He asked that if there are any questions or comments to call him at his home or office.

Chairman Young asked the Commission for comments or questions. Comments included the following:

- A large portion of the developed project is not accessed directly through the City - how will people get the sense they're being invited into the City? Response from Mr. Anderson was that the project will be physically connected to the City with Rt. 60 being a strategic eastern corridor. The significance of the surrounding area also will present an invitation to the City.
- Government approvals are necessary for hospitals and the 120 bed nursing home facility will need to receive a certificate of public need from the Virginia Health Commissioner. Riverside representatives said it's a tough process and a challenge, but Riverside is committed to the project. The nursing home has already received a certificate of public need.

Mr. Hertzler said that of course he wants to see a good quality development, and from the looks of the presentation today, it will be. He said he applauds their efforts.

Chairman Young thanked the representatives for the presentation and their presence here today.

OTHER

Election of Officers

The current slate of officers, **Jesse Young**, Chairman, **Doug Pons**, 1st Vice Chairman, and **Joe Hertzler**, 2nd Vice Chairman, were nominated to serve again in 2005. The nominated slate of officers was seconded, and there being no additional nominations, nominations were closed.

The above-noted slate of officers was elected by roll call vote of 6-0.

Ms. Scott was elected secretary by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Hertzler, Friend, McBeth, Pons, Young, Rose
No:	None
Absent:	Smith

Appointment to Planning Commission Committees

Chairman Young stated that because there are no changes to committee appointments, the following members will continue to represent the Commission on the noted committees:

Architectural Review Board	Mr. Hertzler
Beautification Advisory Committee	Mrs. Smith
Regional Issues Committee	Mr. Pons
Site Plan Review Committee	Mr. Friend, Mr. Rose and Mrs. McBeth

INFORMATION ITEMS

- Report from City Council
- Planning Department Monthly Report
- Monthly Financial Statement

PUBLIC HEARINGS SCHEDULED FOR FEBRUARY 16, 2005

- PCR #05-002: Request of Riverside Healthcare Association, Inc. to rezone approximately 177.54 acres, located on the north side of Route 199 between Quarterpath Road and Route 60 East, from RS-1 to ED Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes a 31 acre medical campus, 73 acres of age restricted housing, and 59 acres of "destination use."
- PCR #05-003: Request of Riverside Healthcare Association, Inc. to rezone approximately 43.43 acres located on the east side of Quarterpath Road between Route 199 and Tutter's Neck Pond, from RS-1 to ED Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes 30 acres of condominiums and neighborhood retail.
- PCR #05-004: Request of Riverside Healthcare Association, Inc. to rezone approximately 137.06 acres located on the east side of Quarterpath Road north of Tutter's Neck Pond, from RS-1 to RS-2 Conditional (with proffers). The submitted conceptual plan for this portion of the Riverside property proposes, with a future rezoning to PDR Planned Development Residential, 75 acres of residential. 15

acres is proffered to be reserved for "Redoubt Park" along Quarterpath Road.

PCR #05-007: Rezoning of 1.09 acres of the unimproved Wickre Street right-of-way (approximately 1,014 feet in length) adjacent to the eastern corporate limits from RS-1 Single Family Dwelling District to ED Economic Development District. This adjoins the land proposed by Riverside Healthcare Association, Inc. for rezoning from RS-1 to ED (PCR #05-002).

PCR #05-008: Rezoning of approximately 7.2 acres of the Quarterpath Road right-of-way extending north from Route 199 approximately 1160 feet from RS-1 Single Family Dwelling District to ED Economic Development District. This adjoins the land proposed by Riverside Healthcare Association, Inc. for rezoning from RS-1 to ED (PCR #05-003).

The meeting adjourned at 4:55 p.m.

Jesse Young, Chairman
Williamsburg Planning Commission